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In The

Supreme Court of the United States

SONYA J. WILLIAMSON, AND HER MINOR CHILDREN, ABNER WILLIAMSON, DIXIE WILLIAMSON, AND JOLIE WILLIAMSON THROUGH THEIR NATURAL TUTOR, ROBERT WILLIAMSON,

Petitioners,

v.

HAYNES BEST WESTERN OF ALEXANDRIA, INC., AMERICAN GENERAL FIRE AND CASUALTY COMPANY, MARYLAND CASUALTY INSURANCE COMPANY, BEST WESTERN INTERNATIONAL, INC., AND ST. PAUL MERCURY INSURANCE COMPANY, AND MR. & MRS. H.L. HAYNES, INDIVIDUALLY,

Respondents.

On Petition For Writ Of Certiorari To The Supreme Court Of Louisiana

RESPONDENTS' BRIEF IN OPPOSITION

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CORPORATE DISCLOSURE STATEMENT

Respondent Maryland Casualty Company (formerly known as "American General Fire and Casualty Company") is a wholly owned subsidiary of Zurich American Insurance Company, a New York Corporation. Zurich American Insurance Company is a wholly owned subsidiary of Zurich Holding Company of America, Inc. Zurich Holding Company of America, Inc is a 99.87% owned subsidiary of Zurich Insurance Company, a Swiss corporation. Zurich Insurance Company is a wholly owned subsidiary of Zurich Group Holding, a Swiss corporation. Zurich Group Holding is owned 43% by Allied Zurich PLC and 57% by Zurich Financial Services. Zurich Financial Services is a publicly traded company with a primary listing on the Swiss stock exchange, and a secondary listing on the London Stock Exchange and a further trading of American Depositary Receipts.

Respondent Haynes Best Western of Alexandria, Inc. has no parent company. No publicly held company owns 10% or more of the company's stock.

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RESPONDENTS' BRIEF IN OPPOSITION

Respondents Maryland Casualty Company, Haynes Best Western of Alexandria, Inc. and Mr. & Mrs. H.L. Haynes request that this Court deny the Petition for Certiorari ("Pet.") filed by Sonya and Robert Williamson, seeking review of the decision of the Louisiana Supreme Court entered in this case on November 3, 2006.

COUNTER-STATEMENT OF THE CASE

Petitioners claim to have suffered a denial of due process, although they have continuously litigated the same fraudulent claim against respondents for nearly two decades. Petitioners' claims have been reviewed five times by Louisiana's appellate courts and another three times in the United States' Court of Appeals for the Fifth Circuit. Despite the repeated dismissal of their claims in the federal and state judicial systems, the petitioners have continuously revived, refiled, and respawned their lawsuits against respondents. It would be hard to conceive a case that has received more judicial attention than this one. Indeed, the process afforded to the petitioners has been so vexatious that it caused the Fifth Circuit to remark:

> If it were not for our obligation to abide by the law of the case doctrine, we would gladly bury this black-flag pettifoggery, born and nurtured as it was of the parties' amalgam of lawsuits and counter-lawsuits filed and prosecuted over the past thirteen years.
>
> Regrettably, however, we are constrained from playing Hercules to this judicial Hydra: Lest

> anyone forget, we function under the structure of federalism and the principle of comity that is exemplified in the Anti-Injunction Act. Thus, our decision to affirm the district court should *not* be seen anyway as an imprimatur of what has occurred here. Simply put, the time has long since passed for this litigation to end, but the hemlock is not ours to administer: At this juncture, only the courts of Louisiana can euthanize this unseemly saga. We remain nonetheless confident that, even absent the mandate of a federal injunction, the Louisiana courts will timely drive a stake through the heart of this heretofore immortal vampire when the Williamsons further seek to prefect and enforce their ill-practices default judgment in the nullification suit.

St. Paul Mercury Ins. Co. v. Williamson, 332 F.3d 304, 310 (5th Cir. 2003).

The story of this case begins in July 1989, when Sonya Williamson was allegedly electrocuted in Room 170 of the Best Western Motel in Alexandria, Louisiana. Petitioners allege that Sonya Williamson grabbed either the light bulb of a hanging lamp or the hanging lamp itself, while water was pouring out of the ceiling onto that fixture. In March, 1990, petitioners filed suit in Civil District Court for the Parish of Orleans, asserting that due to the electrocution, Sonya Williamson had suffered an organic brain injury causing paralysis and quadriplegia.

A jury trial was held in Civil District Court for three months in 1994. At the conclusion of the trial, the jury held that Sonya Williamson's purported injuries were the result of a fraudulently staged accident. A few of the indicia of fraud which are detailed in *Williamson v. Haynes Best Western*, 95-1275 (La. App. 4 Cir. 1/29/97); 688 So.2d

1201 at 1242, *writ denied*, 695 So.2d 1355 (La. 1997), the remarkable 90-page opinion handed down by Louisiana's Fourth Circuit Court of Appeal, follow:

1. The circumstances surrounding the "electrocution" were indicative of fraud. Although the Williamsons owned a home in Alexandria, they had been staying at the Best Western for a month. The Williamsons repeatedly asked to change rooms until they arrived at Room 170 (the only room in the hotel with access to the crawl space in the ceiling). *Williamson*, 688 So.2d at 1201, 1208.

2. Once inside Room 170, the Williamsons prevented any hotel staff from entering the room, even to change linens. *Id.* at 1224. The water leak alleged to have caused the "electrocution" occurred only when the Williamsons were in the room. None of the previous or following occupants of Room 170 noticed any water leak. *Id.* at 1209. No complaints of leaks in Room 170 were found in the hotel's work orders. *Id.* at 1224.

3. Robert Williamson gave multiple versions of the accident. In one version, Sonya was changing a light bulb. In another version, she was turning on the lamp by pulling the lamp chain.

4. The only witness to the alleged "electrocution" was Robert Williamson. Though he stated that Sonya had suffered *cardiac arrest* and *stopped breathing*, Robert Williamson did not allow EMT's to be called to the scene. *Id.* at 1235. When she was examined at the hospital ER, all of Sonya Williamson's tests were normal, and blood tests performed at the hospital ruled out any alleged "cardiac arrest."

5. Sonya was observed watching TV in the lobby of the Best Western the day after her "electrocution" and paralysis.

6. Sonya was observed driving her children around in her van two days after her "electrocution" and paralysis.

7. Sonya Williamson talked to her sister on July 29, 1989 (8 days after she was supposedly electrocuted). She mentioned nothing about her devastating injuries, paralysis, or electrocution. *Id.* at 1224.

8. Sonya Williamson was seen by her sister-in-law at a fashion show two weeks after the "electrocution" in no apparent distress. *Id.* at 1225.

9. Six months after the accident, in January 1990, Sonya signed her tax returns in totally unimpaired handwriting. *Id.* at 1236.

10. Sonya Williamson had taken out *ten* disability insurance and credit disability insurance policies on herself and her vehicles in the months before the "electrocution."

11. Despite being paralyzed, Sonya Williamson was *never admitted to any hospital* by her husband Robert Williamson. Whenever she was examined by a physician, Robert Williamson was present, and Sonya was found to be in a state of sedation. The Fourth Circuit noted that "the evidence supports an inference that [Sonya] was injured by Robert's commencement of the administration of neuroleptic drugs during the days immediately following the incident."

12. Members of Sonya's family, including her brother and sister were not allowed to visit Sonya without an advance notice to Robert. When visiting

Sonya two weeks after the "electrocution," Sonya's brother Marlin Johnson observed Robert Williamson pouring a powder into Sonya's drink, after which Sonya was unable to speak.

13. It was later discovered that Sonya Williamson has been a quadriplegic from electrocution before, in January 1982 (Electrocution I). *Id.* at 1209, 1226. She settled a claim related to the electrocution for $45,000 and then subsequently recovered (first miraculous recovery), only to be rendered a quadriplegic *again* in a subsequent tractor accident.

14. Sonya Williamson was rendered a quadriplegic the second time in a tractor accident in August 1982. She settled a claim related to the tractor accident for $33,000 and then inexplicably recovered from her paralysis (second miraculous recovery).

15. By 1985 she was healthy enough to give birth to a child, and also to be injured while training horses (resulting in a claim for worker's compensation settled for $17,500). *Id.* at 1226.

16. Robert Williamson's mother, Arlone Bellaire, was also "electrocuted" in 1987 (Electrocution II), while changing a light bulb. *Id.* at 1232. Ms. Bellaire alleged that she was totally disabled due to an organic brain injury caused by the shock. Of course, Robert Williamson was the first to arrive at the scene. *Id.* at 1233.

The Louisiana Fourth Circuit's opinion of January 29, 1997 detailed the overwhelming evidence of suspicious events concerning Sonya's alleged electrocution and the lack of objective medical findings supporting Sonya's claims of paralysis. Perhaps more importantly, the court

also detailed what is likely the most expansive and well-documented history of insurance fraud ever set forth in a civil proceeding. The Fourth Circuit concluded its exhaustive review of the Williamsons' case as follows:

> The jury's determination is not inconsistent with the medical and expert testimony. The jury found that Sonya was, indeed, injured in the Best Western Motel, whether by a staged electrocution gone bad or by a minor or non-existent shock followed by Robert's administration of paralyzing drugs to make a case for quadriplegia.
>
> Indeed, even without the evidence of Robert and Belaire's fraudulent conduct, and the other claims made by Sonya and members of her family, there is adequate evidentiary support in the record for the jury's verdict.
>
> No medical expert, whether called by the plaintiffs or defendants, had seen or read of an organically brain damaged electrocution patient who presented with the package of symptoms demonstrated by Sonya. There was medical testimony that it was impossible for a patient to have four years of normal MRI and MRA imaging tests while having Sonya's symptoms, particularly when one of the MRI tests was run continuously for 24 hours. . . .
>
> The jury found as a fact that the incident was fraudulent, or staged. Our review of the record in its entirety convinces us that the jury's findings are reasonable in light of that record and are supported by ample evidence in the record, taken as a whole. We find no prejudicial error in the

> trial court's evidentiary rulings and no manifest error in the judgment below.

Williamson v. Haynes Best Western, 95-1275 (La. App. 4 Cir. 1/29/97); 688 So.2d 1201 at 1242, *writ denied*, 695 So.2d 1355 (La. 1997).

Even before the Fourth Circuit rendered its opinion, on October 27, 1995, the Williamsons filed a second lawsuit in Civil District Court for the Parish for Orleans, asserting that "fraud and ill practices" occurring during the original suit deprived them of a fair trial. In this "nullity action," the Williamsons accused respondents of failing to disclose the identity and opinions of Mr. George Casellas, a non-testifying electrical expert retained by respondents' trial counsel. The Williamsons assert that the failure to disclose an inspection by Mr. Casellas was an "ill practice" that prohibited the Williamsons from recovering against defendants at trial. On September 26, 1996, the Williamsons filed a nearly identical suit in the United States District Court for the Western District of Louisiana, asserting state law fraud claims, unfair trade practices, fraudulent insurance practices, abuse or process, spoliation, and RICO violations.

The state court "nullity action" stayed dormant from 1995-1998 as the Williamsons litigated the Casellas issue before Judge Tucker Melancon in the Western District of Louisiana. Over a thousand pleadings were filed in the federal litigation and there were literally dozens of hearings. Prior to trial, respondents filed a Motion for Summary Judgment which Judge Melancon granted, finding:

> In short, none of the evidence submitted by [the Williamsons] indicates that Sonya Williamson's electrocution could not have been staged or

> fraudulent. Quite to the contrary, an abundance of evidence pointed to the possibility of fraud, see *Williamson,* 688 So.2d at 1206-38, and Vale's efforts to emphasize this evidence at trial did not demonstrate a scheme to defraud the Williamsons or the state court in any way.

St. Paul Mercury Ins. Co. v. Williamson, 93-1902, 986 F.Supp. 409 (WDLA 10/22/1997), *affirmed*, *St Paul Mercury Ins. Co. v. Williamson*, 224 F.3d 425 (5th Cir. 2000).

Following the dismissal of their claims in the federal courts, the Williamsons sought a "third bite at the apple" by reviving the long dormant "nullity suit" pending in the Civil District Court for the Parish of Orleans. Respondents initially sought injunctive relief to bar relitigation of the issues already decided by Judge Melancon in the federal litigation, but injunction was ultimately denied in the United States Court of Appeals for the Fifth Circuit. See *St. Paul Mercury Ins. Co. v. Williamson*, 332 F.3d 304, 310 (5th Cir. 2003).

In defending the "nullity action" on the merits, on April 14, 2005, respondents filed a motion seeking summary judgment on several bases, supported by the deposition testimony of petitioner's own electrical engineering expert. Respondents' Motion for Summary Judgment was heard on July 21, 2005. Petitioners submitted no written opposition to the motion, and the trial court granted summary judgment, dismissing the "nullity action" with prejudice. Nevertheless, plaintiffs subsequently sought and obtained a new trial of the motion, and on May 9, 2006, the state district court reversed its earlier dismissal and denied summary judgment.

Respondents subsequently sought review by the Fourth Circuit Court of Appeals, but respondents' application for supervisory writs was denied. In turn, and in accord with the Rules of the Supreme Court of Louisiana, respondents sought supervisory relief through an application for writ of *certiorari* from the Louisiana Supreme Court. On November 3, 2006, the Louisiana Supreme Court granted respondents' application for writ of certiorari, reversed the lower courts' denial of summary judgment, and dismissed the "nullity action," holding:

> Granted. Plaintiffs have failed to demonstrate a causal relationship between defendants' alleged fraud or all practice and the obtaining of the judgment. See *Ward v. Pennington*, 523 So.2d 1286 (La. 1988). Accordingly the judgment of the trial court is reversed and summary judgment is hereby granted in favor of defendants, dismissing plaintiffs' action for nullity.

Petitioners have asked this Court to overturn this decision by the Louisiana Supreme Court.

REASONS FOR DENYING THE WRIT

I. THE DECISION BELOW DOES NOT PRESENT A CONFLICT

Rule 10 of the Rules of the Supreme Court of the United States sets forth criteria to assist the Court in evaluating whether to grant a petition for *certiorari*. None of the Rule 10 considerations are present here. Plainly, the instant case does not concern either a conflict among the United States Courts of Appeals, nor does it concern an unsettled issue of federal law. Furthermore, the decision of

the Louisiana Supreme Court does not conflict with the decision of the highest court of any other state, with the decision of any federal court of appeals, or with any decision of this Court.

Petitioners have come seeking error correction. Nevertheless, this Court has long held that it "do[es] not grant a certiorari to review evidence and discuss particular facts," *United States v. Johnston,* 268 U.S. 220, 227 (1925), for its "certiorari jurisdiction is designed to serve purposes broader than the correction of error in particular cases." *Watt v. Alaska,* 451 U.S. 259, 275 (1981) (Stevens, J., concurring). See also *Ponte v. Real*, 471 U.S. 491, 501-02 (1985) (Stevens, J., concurring) ("The merits of an isolated case have only an oblique reference to the question whether a grant of certiorari is consistent with the sound administration of this Court's discretionary docket."). The instant case, bound by its extraordinary fact pattern concerning both substance and procedure, is a singularly inappropriate vehicle for consideration of any of the questions presented in the Petition.

II. THE DECISION BELOW WAS CORRECT AND PROCEDURALLY VALID

A. The Rendition Of Judgment By The Louisiana Supreme Court Was Consistent With Louisiana's Constitution, Laws, And Procedure.

There is nothing illegal or procedurally infirm about the Louisiana Supreme Court's dismissal of this matter, having granted respondents' application for writ of *certiorari*. Indeed, the action of the Louisiana Supreme Court is

in keeping with over a century of civil appellate practice in the State of Louisiana.

The Louisiana Supreme Court has been granted supervisory powers since the Louisiana Constitution of 1879. This constitutional grant of supervisory authority has from its inception been held to be plenary, unfettered by jurisdictional requirements, and exercisable at the complete discretion of the court. See Tate, *Supervisory Powers of the Louisiana Courts of Appeal*, 38 Tul. L. Rev. 429 (1964). See also Comment, *Supervisory Powers of the Supreme Court of Louisiana over Inferior Courts*, 34 Tul. L. Rev 165 (1959).

Presently, La. Const. Art. V § 5 provides that the Louisiana Supreme Court has general supervisory jurisdiction over all other courts, and further that "except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts."[1] La. Code Civ. P. art. 2201 provides: "Supervisory writs may be applied for and granted in accordance with the constitution and rules of the supreme court and other courts exercising appellate jurisdiction."

Likewise, upon granting respondent's writ application and rendering judgment, the Louisiana Supreme Court acted in accordance with over one hundred thirty years of Louisiana appellate practice. Louisiana's Code of Practice

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[1] Louisiana's Constitution has provided for the appellate review of both fact and law since 1882, and the practice of review of both law and fact has been employed by the Louisiana Supreme Court since just after its admission to the Union. See *Abat v. Doliolle*, 4 Mart (o.s.) 316 (La. 1816).

of 1870 initially provided for the rendition of judgment by the Louisiana Supreme Court:

> Art. 905. When the Supreme Court reverses the judgment of an inferior court, it shall pronounce on the case the judgment which the lower court should have rendered, if it be in possession of all the facts and testimony to enable it to pronounce definitively.

Louisiana Code of Practice of 1870, Article 905.[2]

Respondents had sought review of the lower courts denial of summary judgment, where plaintiffs had failed to come forth with sufficient evidence to prove that the jury's verdict was in any way impacted by the alleged withholding of discovery regarding Mr. Casellas. The record before the Louisiana Supreme Court was complete in that it contained respondents' Motion for Summary Judgment and the Opposition filed by petitioners. There was nothing procedurally infirm or even unusual in the Louisiana Supreme Court's reversal of the lower courts, over whom it has plenary supervisory jurisdiction.

B. The Louisiana Supreme Court Was Not Arbitrary In Granting Respondents' Application For Writ Of Certiorari.

Rule X of the Rules of the Louisiana Supreme Court provides for the filing of applications for writ of certiorari

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[2]. This provision is currently embodied in La. Code Civ. P. art. 2164, which provides: "[t]he appellate court shall render any judgment which is just, legal, and proper upon the record on appeal." See also *Gonzales v. Xerox*, 320 So.2d 163 (La. 1975).

with that court. The considerations set forth in Louisiana's Rule X were developed after and closely follow Rule 10 of the Rules of the Supreme Court of the United States, governing review on certiorari. As does this Court, the Louisiana Supreme Court exercises a great deal of discretion in determining when to grant certiorari. This discretion is governed by the court's stated Rule X considerations and is tempered by its role as a court of policy rather than one of errors correction.

Respondents' application in the Louisiana Supreme Court was specifically tailored to Rule X, in that Louisiana's lower courts had failed to follow and apply controlling Louisiana Supreme Court precedent in considering respondents' Motion for Summary Judgment. Respondents' application also described the exquisite policy reasons requiring the court's immediate intervention. There is no indication that the Louisiana Supreme Court acted in a capricious manner as described by petitioners. To the contrary, the instant suit satisfied several of the considerations in that Louisiana's lower courts had failed to apply established law. Furthermore, considering the unique and lengthy history of this case, the Louisiana Supreme Court was compelled to intervene in furtherance of its longstanding policy favoring finality of judgments. *Gladstone v. American Auto Ass'n, Inc.*, 419 So.2d 1219 (La. 1982).

C. The Louisiana Supreme Court Properly Dismissed The "Nullity Action" Brought By The Williamsons.

Petitioners' nullity action was based on the premise that the jury never heard Mr. Casellas' opinions about a defect he found in the wall switch in Room 170 two years

after the accident. Nevertheless, the jury never found as a fact that there was no electrical defect in Room 170 of the Alexandria Best Western. The jury never reached the issue of defect. Nor did it reach the issue of damages. The jury's determinations on these issues were preempted because the jury found *as a fact*, based on overwhelming evidence, that the accident was fraudulently staged by the Williamsons.

The Louisiana Supreme Court has repeatedly held that "a judgment will not be annulled on account of fraud or ill practice in the course of a legal proceeding if the fraud or ill practice pertained to a matter irrelevant to the basis of the decision and the judgment therefore was not obtained by fraud or ill practice." *Ward v. Pennington*, 523 So.2d 1286 (La. 1988). *Belle Pass Terminal, Inc. v. Jolin, Inc.*, 01-0149 (La. 10/16/01), 800 So.2d 762, 767.

As reflected in the Louisiana Fourth Circuit's opinion, no part of the jury's verdict depended on a finding that the electrical system in Room 170 was defect-free. No part of the jury's verdict found that Sonya Williamson was not injured. The jury determined, as a fact, that Sonya Williamson's injuries were fraudulently staged. Despite the Williamson's assertion that the electrical system was not only defective, but that there was a waterfall in their hotel room, the jury reasonably determined that the defects were either created by the Williamsons themselves, or they were unrelated to Sonya's injury.

The alleged defect found by Casellas was not material. In reality, the outcome of the trial depended little on the state of the electrical system in Room 170. Rather:

- The outcome of the trial was determined when defendants uncovered the decades long history of

fraudulent insurance claims made by Robert Williamson and his family.

- The outcome of the trial was determined when it was revealed that this was the third consecutive time that Sonya Williamson had been rendered a quadriplegic.
- The outcome of the trial was determined when several witnesses testified that they saw Sonya Williamson watching TV, driving, and acting normally in the days and weeks after the accident.
- The outcome of the trial was determined by the fact that no medical evidence could determine what Sonya Williamson's injuries were, much less attribute them to a momentary electrical shock.
- The outcome of the trial was determined when the jury heard that despite five years of quadriplegia, Sonya had incurred only $22,045.42 in medical/pharmacy expenses.

Petitioners never adduced any evidence to show that Mr. Casellas was material to the jury verdict, and that is why their case was dismissed on summary judgment. Considering the longstanding jurisprudence of the Louisiana Supreme Court as set forth in *Ward v. Pennington*, 523 So.2d 1286 (La. 1988) and *Belle Pass Terminal, Inc. v. Jolin, Inc.*, 01-0149 (La. 10/16/01), 800 So.2d 762, the dismissal of the petitioners' state court "nullity action" was proper.

CONCLUSION

The petitioners' claims were not defeated by legal trickery or by the arbitrary application of due process. Indeed, any review of the numerous opinions rendered in this matter will demonstrate the measured application of law, even as the federal and state courts recognized the wasteful and vexatious litigation tactics of the petitioners. There was nothing unusual in the Louisiana Supreme Court's reversal of the lower courts utilizing powers and procedure that have been in place since the 1870's.

Substantively, the petitioners' antics were so completely outrageous, and their systematic prosecution of fraudulent claims was so lengthy and well-documented, that the "ill practice" they now allege would have made no difference to a reasonable jury. That the instant case involved the *third consecutive* time that Sonya Williamson was rendered a quadriplegic is, in and of itself, totally unbelievable. As a result of the diligence of the respondents and their counsel, the petitioners' fraud was uncovered and rejected by the fact finder and the appellate courts. Nevertheless, petitioners refuse to let this case pass into history.

Petitioners have had their day in court and then some. Respondents successfully litigated this case for three months before an Orleans Parish jury, and have been subsequently subjected to *decades* of litigation by the petitioners. This interminable litigation has already been an obscene waste of judicial resources, and it makes a mockery of any concept of finality of judgments. Accordingly, respondents pray that this Court deny the instant

petition for certiorari, leaving the stake firmly implanted in "the heart of this heretofore immortal vampire."

Respectfully submitted,

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